

JONES VARGAS
3773 Howard Hughes Parkway - Third Floor South
Las Vegas, Nevada 89109
Tel: (702) 862-3300 Fax: (702) 737-7705

1 **CONSTANCE L. AKRIDGE, ESQ.**

2 **NEVADA BAR NO. 003353**

3 **MATTHEW T. MILONE, ESQ.**

4 **NEVADA BAR NO. 007448**

5 **JONES VARGAS**

6 3773 Howard Hughes Pkwy.

7 3rd Floor South

8 Las Vegas, Nevada 89109

9 (702) 862-3300

10 (702) 734-2722 (f)

11 **LOUIS M. BUBALA III, ESQ.**

12 **NEVADA BAR NO. 008974**

13 **JONES VARGAS**

14 100 W. Liberty St., 12th Flr.

15 P.O. Box 281

16 Reno, Nevada 89504

17 (775) 786-5000

18 (775) 786-1177 (f)

19 Attorneys for Defendants

20 **UNITED STATES DISTRICT COURT**

21 **DISTRICT OF NEVADA**

22 * * *

23 SURGERY CENTER OF RENO, LLC,)

24)

25 Plaintiff,)

26)

27 v.)

Case No.: 3:07-cv-0259-ECR RAM

28)

29 WELLPOINT HEALTH NETWORKS,)

30 INC., a Delaware corporation; ROCKY)

31 MOUNTAIN HOSPITAL AND MEDICAL)

Honorable Edward C. Reed, Jr.

32 SERVICE, INC. dba ANTHEM BLUE)

33 CROSS AND BLUE SHIELD, a Colorado)

AGREED HIPAA QUALIFIED
PROTECTIVE ORDER

34 corporation; BLUE CROSS OF)

35 CALIFORNIA, a California corporation;)

36 and DOES 1 through 50,)

37)

38 Defendants.)

39)

JONES VARGAS
3773 Howard Hughes Parkway - Third Floor South
Las Vegas, Nevada 89109
Tel: (702) 862-3300 Fax: (702) 737-7705

1 The parties, pursuant to Fed. R. Civ. P. 26(c); D. Nev. L.R. 6-2; D. Nev. L.R. 7-1; and 45
2 C.F.R. §164.512, have agreed, and this Court finds, that good cause exists for the entry of a
3 Protective Order to prevent the unauthorized disclosure and to direct the use of protected health
4 information during the course of this litigation.

5 Accordingly, IT IS HEREBY ORDERED:

6 1. All documents produced by the parties to this litigation shall be produced subject to
7 the conditions of this Order.

8 2. During the course of this litigation, the parties recognize it may be necessary to
9 disclose “protected health information” of certain patients receiving treatment at Surgery Center of
10 Reno, LLC and/or Defendants’ members, as that term is defined under the Health Insurance
11 Portability and Accountability Act (HIPAA) and the Federal Regulations enacted pursuant to said
12 Act.

13 3. This Order shall apply to any documents produced by a covered entity (as defined
14 by 45 C.F.R. §160.103) which receives a request to produce or a subpoena for protected health
15 information.

16 4. All protected health information disclosed by any covered entities shall be used for
17 the sole purpose of preparing for or conducting this litigation, including, but not limited to,
18 discovery, depositions, trial preparation or trial and shall not be disclosed or revealed to anyone
19 not authorized by this Protective Order.

20 5. Protected health information may be disclosed by any covered entity, health care
21 provider, insurer, party, party’s expert, or party’s attorney without further notice to the following:

22 a. Counsel for the respective parties to this litigation, their employees, parties
23 to the litigation, and employees of counsel who are assisting in the prosecution or
24 defense of this litigation;

25 b. Experts and consultants (and their employees and clerical assistants) who
26 are employed, retained or otherwise consulted by counsel of the parties to assist in
27 any way in the preparation and trial of this litigation;
28

JONES VARGAS
3773 Howard Hughes Parkway - Third Floor South
Las Vegas, Nevada 89109
Tel: (702) 862-3300 Fax: (702) 737-7705

- c. Treating physicians;
- d. Other health care providers;
- e. Liability insurers of any of the parties involved in the litigation;

6. The parties and each entity governed by this Order shall either (a) destroy or (b) return to the entity who originally produced it, all protected health information including all copies made, provided, however, the said protected health information may be retained in the files of the law firms handling this litigation and may be destroyed pursuant to their regular file retention policies so long as the protected health information is maintained in a secure environment.

7. This Protective Order shall survive the final conclusion of this litigation and shall continue in full force and effect and the Court shall retain jurisdiction to enforce this Protective Order.

8. This Order does not change or affect notice and other procedural requirements of the Federal Rules of Civil Procedure.

Agreed as to form and content:

This 31st Day of July, 2007.

This 31st Day of July, 2007.

/s/LOUIS M. BUBALA III

/s/MICHAEL S. KIMMEL

Louis M. Bubala III, Esq.
Jones Vargas

Michael S. Kimmel
McDonald Carano Wilson LLP

Counsel for Defendants
Anthem Holding Corp.; Rocky Mountain
Hospital and Medical Service, Inc., d/b/a
Anthem Blue Cross And Blue Shield;
and Blue Cross of California

Counsel for Plaintiff
Surgery Center of Reno, LLC

IT IS SO ORDERED



UNITED STATES MAGISTRATE JUDGE

DATE: July 31, 2007